

III. THE ATTORNEY-CLIENT RELATIONSHIP

3. Duration of Representation:

Goal: Once a case is assigned to an attorney, continuous and uninterrupted representation by the same attorney is the most effective method of representation.

A. Counsel shall provide continuous and uninterrupted representation to eligible clients from time of entry into the case through final disposition in the trial court. The Appellate Defender's Office shall provide appellate representation before the Montana Supreme Court.

B. In the event that counsel is no longer employed by a public defender office or, ~~counsel's contract has expired, and counsel's employment or contract has not been terminated for good cause,~~ private counsel no longer does cases for OPD, either the Regional Deputy Public Defender or Contract Coordinator, in his or her discretion, may direct that counsel shall continue to represent the client through final disposition of the case at the rate of compensation for assigned counsel set forth in these Standards. Completion of a client's case shall not be required if counsel is unable to continue representation or is relocating to a residence outside the Region. These Standards shall not prohibit counsel from withdrawing from a case in which a court has recognized a conflict of interest for counsel or in which a client is found to be ineligible for indigent legal services.

C. In the event that a court should deem it appropriate to set an evidentiary hearing on a *pro se* petition for post-conviction relief, the Office of the State Public Defender shall assign previously assigned counsel for the petitioner, unless the petition raises an issue of ineffective assistance of counsel. Ineffective assistance of counsel shall be handled by the Office of the Appellate Defender.

4. ~~Termination of Employment:~~

~~———A. The Office of the State Public Defender Standards, contracts for indigent legal services, and local guidelines for assigned counsel shall include the grounds for termination. Termination of employment or a contract, after any probationary period but before the expiration of the term of employment or contract, shall only be for good cause. Good cause shall include the failure of counsel to render adequate representation to clients, the willful disregard of the rights and best interests of the client, a violation of the Montana Rules of Professional Conduct, or the willful disregard of these Standards. Representation in an individual case establishes an inviolable attorney-client relationship. Therefore, except as otherwise provided by these Standards, removal of counsel from representation should not occur over the objection of the client and counsel.~~